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Facsimile Transmittal Cover Sheet

Date: June 19, 2002

FAX RECEIVED

No. of Pages: 28

(Including Cover Sheet)

PLEASE DELIVER TO:

PETITIONS OFFICE

JUN 1 9 2002

Name:

Fax Number:

Verify Number:

Ms. BelhAnn Dayoan

703-308-6916

703-308-3865

U.S. Patent and Trademark Office

Attorney Number: 1549

Client/Matter Number:

024273-00001

Hard Copy Sent:

No

Re:

Resubmission of Request for Withdrawal of Holding of Abandonment

U.S. Patent Application No. 09/743,787

Inventor: SUARTE PAZ Filed: January 17, 2001

Title: PROCEDURES FOR OBTAINING POLYMERS DERIVED

FROM VINYL ACETATE AND THEIR USES

#121298-1

EASE DELIVER TO BETHANN DAYOAN

THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS FACSIMILE, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTHED THAT ANY DISSEMINATION OF COPYING OF THIS PACSIMILE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL PACSIMILE TO US AT THE ADDRESS BILOW VIA THE POSTAL SERVICE. THANK YOU.

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Arent Fox Kintner Plotkin & Kahn, PLLC 1050 Connecticut Ave., N.W., Suitc 400, Washington, D.C. 20036-5339

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SUARTE PAZ

Group Art Unit: To Be Assigned

Serial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Attorney Dkt. No.: 024273-00001

For: PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM

VINYL ACETATE AND THEIR USES

FAX RECEIVED

RESUBMISSION OF REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

JUN 1 9 2002

PETITIONS OFFICE

Commissioner for Patents Washington, D.C. 20231

Date: June 19, 2002

Sir:

Further to a telephone inquiry, it appears that the attached Request for Withdrawal of Holding of Abandonment filed October 18, 2001, was never received by the U.S. Patent and Trademark Office.

A copy of the Request and a date-stamped post card are attached. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300.

Respectfully submitted,

ARENT FOX KINTHER PLOTKIN & KAHN, PLLC

George E. Oram, Jr.

Attorney for Applicants Registration No. 27,931

Customer No 004372 1050 Connecticut Avenue, N.W., Suite 400 Washington, D.C. 20036-5339

Tel: (202) 857-6000 Fax: (202) 638-4810

GEO:kga

Enclosures: Copy of Request and Attachments

Copy of Date-Stamped Post Card

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JUN 1 9 2002

PETITIONS OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FAX RECEIVED
JUN 1 9 2002
PETITIONS OFFICE

In re the application of:

SUZARTE PAZ

Docket No. 024273-00001

Serial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Art Unit: To Be Assigned

For:

PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM VINYL ACETATE

AND THEIR USES

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents Washington, D.C. 20231

October 18, 2001

Sir:

Applicants respectfully request that the Examiner withdraw the holding of abandonment as set forth in the Notification of Abandonment dated September 17, 2001. This application is being reportedly abandoned for failure to respond to the notification of Missing Parts Requirement allegedly mailed February 14, 2001, within the time period set therein.

No such notification of Missing Parts Requirement.was ever received by Applicant's law firm Arent Fox Kintner Plotkin & Kahn, PLLC ("Arent Fox"). Attached are Declarations by Ms. Sheila Loving (the docket coordinator for the Arent Fox firm on February 14, 2001), Mr. Hans J. Crosby (the attorney responsible for the above application) and Ms. Monique Logan (the secretary for Mr. Crosby), detailing the mail-handling and docketing procedures for the Arent Fox firm, and detailing the reasons why it is apparent that no notification of 45630~1

Missing Parts Requirement for the above application was ever received by the Arent Fox firm.

It is noted that the mailing address of the Arent Fox firm was correctly listed as the correspondence address on the transmittal sheet filed with this application as well as on the Notification of Abandonment mailed from the United States Patent & Trademark Office ("USPTO") on September 17, 2001. The effectiveness of the correspondence address is demonstrated by the fact that the September 17, 2001 Notification of Abandonment was received by the Arent Fox firm one day after being mailed from the USPTO.

It is also noted that any presumption that mail matter properly addressed, stamped and deposited in an appropriate receptacle is duly delivered is predicated on the fixed methods and systematic operation of the Postal Service, and that such a presumption can be rebutted. See Legille v. Dann, 544 F.2d 1 (CAFC 1976).

The effectiveness of the correspondence address has been demonstrated. Applicant's contention of non-receipt of the notification of Missing Parts Requirement allegedly mailed February 14, 2001 is supported in the enclosed Declarations. It is therefore respectfully submitted that the failure of the February 14, 2001 notification of Missing Parts Requirement to reach the Arent Fox firm was not the fault of the Arent Fox firm in any way.

It is respectfully requested that the notification of Missing Parts Requirement be again mailed to the Arent Fox firm and that the holding of abandonment be withdrawn. See MPEP §711.02 and Delgar Inc. v. Schuyler, Commr. Pats, 172 USPQ 513 (D.D.C.

1971).

Any fees associated with this communication should be waived since the evidence submitted herewith shows that Applicant is in no way at fault for not responding to the notification of Missing Parts Requirement dated February 14, 2001.

Should withdrawal from abandoned status not be granted immediately, this request should be considered to be a Petition to the Commissioner under 37 CFR 1.181 - 1.183, including a petition that all fees in connection therewith be waived because it is clear that Applicant is not at fault in this matter.

Should any such Petition under 37 CFR 1.181 - 1.183 not be immediately granted, this request should be considered to be a Petition under 37 CFR 1.137(a) or 1.137(b), including a petition that all fees in connection therewith be waived because it is clear that Applicant is not at fault in this matter.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 01-2300. A duplicate copy of this request is attached.

Respectfully submitted,
ARENT FOX KINTNER PLOTKIN & KAHN PLLC

Hans J. Crosby

Registration No. 44,634

Atty. Docket No. 100186-08027

1050 Connecticut Avenue, NW, Suite 400

Washington, DC 20036-5339 Telephone: (202) 857-6000

Enclosures: Notification of Abandonment

Declaration of Sheila Loving Declaration of Hans J. Crosby Declaration of Monique Logan

IN THE UNITED STATES PATENT

AND TRADEMARK OFFICE

In re the application of:

SUZARTE PAZ

Docket No. 024273-00001

Serial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Art Unit: To Be Assigned

For:

PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM VINYL ACETATE

AND THEIR USES

DECLARATION OF HANS J. CROSBY

FAX RECEIVED

JUN 1 9 2002

Commissioner for Patents Washington, D.C. 20231

October 18, 2001

PETITIONS OFFICE

Sir:

- I, Hans J. Crosby, a citizen of the United States, hereby declare and state:
- 1. I am an associate attorney at the firm of Arent Fox Kintner Plotkin & Kahn, PLLC (referred to herein as "the firm").
- 2. Attached hereto is an APPENDIX, which is a true rendition of the general procedures for the firm with regard to docketing due dates created by mail received from the U.S. Patent and Trademark Office (USPTO).
- 3. I am the principal attorney responsible for the prosecution of the present application. My duties in connection with being responsible for the prosecution of the present application include following the docketing and USPTO filing procedures for the firm. All due date(s) created by any mail received from the USPTO, in connection with each application for which I am responsible, are entered in the personal docket book of my 45634-1



secretary. Carroll Allman was my secretary up until February 20, 2001, and is no longer with our firm. Monique Logan became my secretary on February 20, 2001.

- 4. Upon examining the master docket of the docket coordinator and the personal docket book of my secretary Carroll Allman after receiving the Notification of Abandonment in the above application, I noted that neither the master docket nor the personal docket book contain any notation of any due date for responding to a notification of Missing Parts Requirement in the above application by March 14, 2001 (i.e., one month from the alleged date of mailing of the notification of Missing Parts Requirement in the above application). Attached are true and correct copies of the printout of the master docket (Attachment 1) covering March 14, 2001 and the personal docket book (Attachment 2) covering March, 2001.
- 5. I have been instructed on the importance of ensuring that the master docket and personal docket book reflect every due date established by mail received from the USPTO concerning any application being handled by me.
- 6. I am not aware of any occurrence where an Office Action (in an application where the applicant has not instructed us to abandon the application) was mailed to the firm and was not docketed in the master docket and in the docket book of my secretary.

 There are no instructions from the applicant in this application to abandon this application.
- 7. Based on the above, it is my belief that the February 14, 2001 notification of Missing Parts Requirement concerning the above application was never received by the firm.

-Date: 15/18/0/

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hans J. Crosby

Enclosure:

Registration No. 44,634

ATTACHMENT 1

ATTACHMENT 2

APPENDIX

APPENDIX

Docketing and USPTO Filing Procedures for the Firm of Arent Fox Kintner Plotkin & Kahn, PLLC as of February 14, 2001

When a piece of mail received from the U. S. Patent and Trademark Office (referred to herein as "USPTO mail") is received by the firm Arent Fox Kintner Plotkin & Kahn, PLLC (referred to herein as "the firm"), that piece of USPTO mail is first given to the docket coordinator in the docketing department of the firm together with the firm's file (referred to herein as "the file") for the application referred to in the USPTO mail.

The docket coordinator is responsible for maintaining a "master docket," which is a computer-compiled list containing (among other things) (1) calendar days arranged chronologically, and (2) all due dates created by USPTO mail for all cases being handled by the firm. When a piece of USPTO mail presents a due date for taking action in a particular application, the docket coordinator enters the firm docket number for that application, and the action which is required to satisfy that due date, into the master docket under the date corresponding to the due date created by that piece of USPTO mail.

After the docket coordinator has entered into the master docket every due date created by a piece of USPTO mail, the file together with the USPTO mail is given to the principal attorney (referred to herein as "the attorney") responsible for the prosecution of that application. The secretary responsible for assisting that attorney (referred to herein as "the secretary") maintains a personal docket book.

When the attorney receives a piece of USPTO mail which creates a due date, the attorney reviews the piece of USPTO mail and any due date(s) created by the piece of 45752-1





USPTO mail. The attorney then gives the file and the piece of USPTO mail to the secretary, who dockets any due date created by the piece of USPTO mail in his or her personal docket book. In addition, the secretary marks the cover of the file to indicate the due date and the action required.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SUZARTE PAZ

Docket No. 024273-00001

Serial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Art Unit: To Be Assigned

For:

PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM VINYL ACETATE

AND THEIR USES

DECLARATION OF SHEILA LOVING

Commissioner for Patents Washington, D.C. 20231

October 18, 2001

Sir:

- I, Sheila Loving, a citizen of the United States, hereby declare and state:
- I was the docket coordinator at the firm of Arent Fox Kintner Plotkin & Kahn, 1. PLLC (referred to herein as "the firm") as of February 14, 2001.
- As the docket coordinator at the firm at that time, my duties included following 2. the docketing and U.S. Patent & Trademark Office ("USPTO") filing procedures to ensure that mail received from the USPTO is docketed, and all due dates are created in the firm's master docket in the docket database, which I maintained in the manner described in the Appendix attached to the Declaration of Hans J. Crosby.
- Upon examining the master docket after receiving the Notification of 3. Abandonment in the above application, I noted that the master docket contains no notation of any due date for responding to a notification of Missing Parts Requirement in the above application by March 14, 2001 (i.e., one month from the alleged date of mailing of the 45640-1

notification of Missing Parts Requirement in the above application). ATTACHMENT 1 is a true and correct copy of the printout of the master docket for March 14, 2001.

- 4. I have been instructed on the importance of ensuring that the master docket reflects every due date established by mail received by the firm from the USPTO.
- 5. I am not aware of any occurrence where an Office Action (in an application where the applicant has not instructed us to abandon the application) was mailed to the firm and received by the firm, but was not docketed in the master docket. There are no instructions from the applicant in this application to abandon this application.
- 6. Based on the above, it is my belief that the February 14, 2001 notification of Missing Parts Requirement concerning the above application was never received by the firm.
- 7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sheila Loving

Enclosure: ATTACHMENT

Date | 0 | 16 0 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

SUZARTE PAZ

Docket No. 024273-00001

Scrial Number: 09/743,787

Examiner: To Be Assigned

Filed: January 17, 2001

Art Unit: To Be Assigned

For:

PROCEDURES FOR OBTAINING POLYMERS DERIVED FROM VINYL

ACETATE AND THEIR USES

DECLARATION OF MONIQUE LOGAN

FAX RECEIVED

JUN 1 9 2002

Commissioner for Patents Washington, D.C. 20231

October 18, 2001

PETITIONS OFFICE

Sir:

- I, Monique Logan, a citizen of the United States, hereby declare and state:
- 1. I am a secretary at the firm of Arent Fox Kintner Plotkin & Kahn, PLLC (referred to herein as "the firm").
- 2. Since February 20, 2001, I have been responsible for assisting Hans J. Crosby, as a secretary at the firm. Prior to February 20, 2001, Carroll Allman was responsible for assisting Hans J. Crosby, as a secretary at the firm. The duties of a secretary in connection with being responsible for assisting Mr. Crosby include following the docketing and U.S. Patent & Trademark Office ("USPTO") filing procedures for the firm. Mr. Crosby is responsible for the above application.
- 3. Upon examining the personal docket book of Carroll Allman after receiving the Notification of Abandonment in the above application, I noted that the personal docket book contains no notation of any due date for responding to a notification of Missing Parts 45649-1

Requirement in the above application by March 14, 2001 (i.e., one month from the alleged date of mailing of the notification of Missing Parts Requirement in the above application).

ATTACHMENT 1 is a true and correct copy of the personal docket book of Carroll Allman covering March, 2001.

- 4. Upon examining the cover of the file for the above application after receiving the Notification of Abandonment in the above application, I noted that there is no notation of any due date for responding to any notification of Missing Parts Requirement in the above application as required by the firm procedure. ATTACHMENT 2 is a true and correct (reduced-size) copy of the cover of the file for the above application.
- 5. Secretaries at the firm are instructed on the importance of ensuring that personal docket books and the cover of each file reflect every due date established by mail received from the USPTO concerning any application.
- 6. I am not aware of any occurrence where an Office Action (in an application where the applicant has not instructed us to abandon the application) was mailed to the firm and was not docketed in the master docket and the personal docket book of the secretary responsible for assisting of Mr. Crosby. There are no instructions from the applicant in this application to abandon this application.

7. Based on the above, it is my belief that the February 14, 2001 notification of Missing Parts Requirement concerning the above application was never received by the firm.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Monique Logan

10-18,51

Date

Enclosures: ATTACHMENT 1

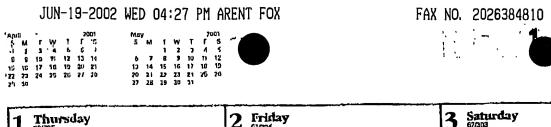
ATTACHMENT 2

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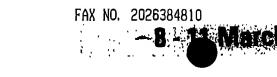
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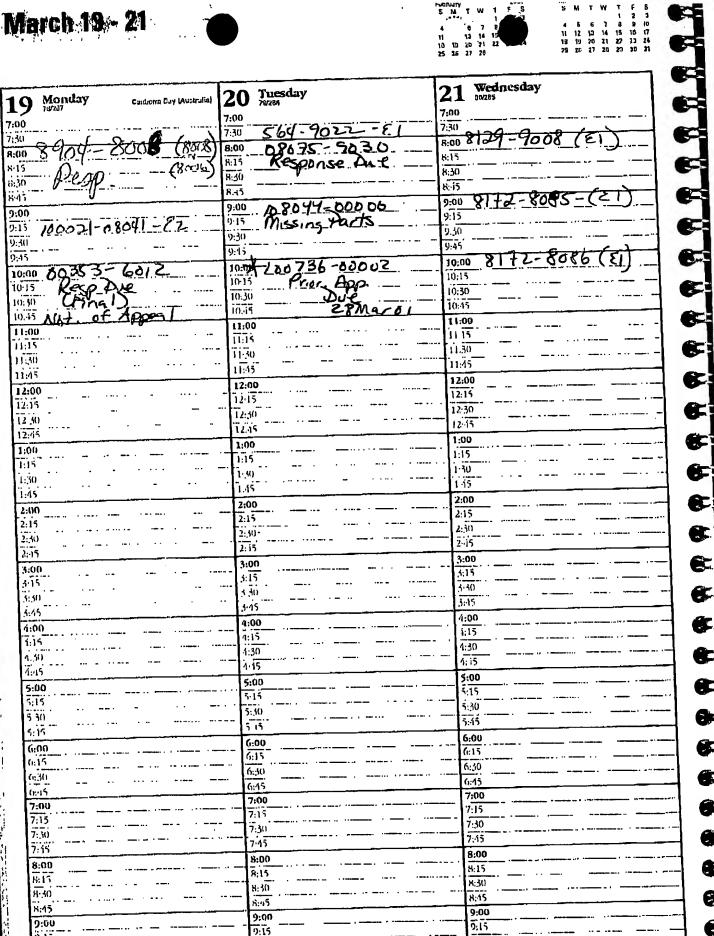
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PATENT NO .: ____ ISSUE DATE: .__ - FOREIGN FILING DOCKETED YES NO NO NIT

CLIENT / MATTER NO.: (1) 24273 - 02 0/

YES | NO |

AHENT FOX KINTNER PLOTKIN & KAHN, PLLC 1050 Connecticul Avenue, NW Washington, DC 20036-5339

PATENT APPLICATION FILE

SMALL ENTITY: __

ORIG. DOCS IN FILE?

ATTORNEY: MAG/HJC

(NEW CONT	DIV CIP	REISSUE)	1 N821
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